

### **REMARKS/ARGUMENTS**

These remarks are submitted responsive to the Office Action dated July 31, 2006 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due.

In the Office Action, each of the claims was rejected on the basis of new grounds of rejection. Claims 1, 2, 4, 5, 7-10, 12, 13, 15-18, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,818,920 to Rignell, *et al.* (hereinafter Rignell) in view of U.S. Patent Number 6,934,543 to Wang, *et al.* (hereinafter Wang). Claims 3, 6, 11, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of Wang and further in view of U.S. Patent Number 6,574,486 to Labban (hereinafter Labban). Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of Wang and further in view of U.S. Patent Number 5,818,920 to Moon, *et al.* (hereinafter Moon). Additionally, Claim 16 was rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement.

#### **Rejections under 35 U.S.C. § 112, First Paragraph**

Claim 16 has been amended to address the rejection under 35 U.S.C. § 112, first paragraph, raised at page 7 of the Office Action. On page 7, paragraph 11, section a, the Office Action asserts that the Specification only recites support for the originating party to determine whether to complete the telephone call. Applicants direct attention to the Specification, page 4, lines 4 and 5, which state: "A service provider can dispose of the call based on an input response received from the originating PCD and/or the local information." Furthermore, Applicants respectfully point out that the prompt to the originating party to label a call as urgent is optional and the service provider can make the determination to connect the call. (See, e.g., Specification, page 11, lines 1-12). On page 7, paragraph 11, section, the Office Action asserts that the Specification does not

recites support for the alert signal to identify the calling party. Although Applicants disagree, the limitation has been removed to expedite prosecution of the current application. Therefore, in view of the present arguments, withdrawal of this rejection to Claim 16 is therefore respectfully requested.

### *Amendments to the Claims*

In this reply, independent Claims 1, 4, 8, 9, and 12 have been amended to emphasize certain aspects of the claimed invention. In particular, these claims now recite the further limitation that the mobile message is a text message, incorporating the subject matter of claims 3, 6, 11, and 14. Accordingly, Claims 3, 6, 11, and 14 have been cancelled. Claims 1, 4, 8, 9, 12, and 16 have also been amended to incorporate the further limitation that a message or a call is not connected on solely the basis of the originator identifying the call as urgent, but also on the basis of the local information that is retrieved. (See, e.g., Specification, page 4, lines 4-5). Claim 17 has also been cancelled. No new matter has been introduced by this amendment.

### *Aspects of the Claimed Invention*

Prior to discussing the cited references, it may be useful to discuss certain aspects of the claimed invention. The claimed invention provides a system and method for connecting calls between users based on local information and the priority of the call. For example, as illustrated in claim 1, a method can begin with identifying an attempting to send a text message or place a call to a mobile handset of a receiving party. In response to identifying such an attempt, the method can include retrieving local information for the receiving party, including information indicating whether the party is to be disturbed. In some embodiments, the local information can include the date and the time of day. The method can continue by providing the local information to a sending party and prompting the sending party to identify a call as urgent or not. The method can then include determining whether to send the alert message based on the urgency of the

message, as well as the local information. In some embodiments, the method can instead include forwarding the call to a mailbox or terminate the call.

**The Claims Define Over the Cited References**

As previously noted, the independent claims in the present application were rejected under Rignell in view of Wang. Furthermore, now-cancelled claims 3, 6, 11, and 14 were rejected in further view of Labban. Applicants respectfully submit that in view of the amendments to the claims and arguments below, independent claims 1, 4, 8, 9, 12, and 16 now define over the cited references.

First, neither Rignell nor Wang discloses a method or system in which the service provider makes a decision to connect to a user based on the urgency of the call and the local information. Rignell discloses basically two methods in which a call can be connected according to local information. The first method comprises informing the caller of local information of the callee, such as the local time, and requesting the caller to confirm to proceed with the call. (See, e.g., Col. 5, lines 5-26). The second method comprises denying all calls during certain times of the day, regardless of their urgency. (See, e.g., col. 5, lines 27-50) In contrast, the present invention provides for the service provider to make the determination that a call should be put through, based on the urgency input by the caller and the local information of the callee. In such arrangements, regardless of the time zones of the caller and the callee, calls having urgency can go through at any time of the day but can be limited by the service provider based on local information.

Second, The Office Action states that because Labban discloses that the mobile message is a text message and that because Labban, Rignell, and Wang are all in the same field of endeavor, the references can be properly combined. However, Applicants respectfully assert that for Labban to be properly combined with Rignell, Wang, or any other reference of record, some motivation must exist in the references for the

combination. In particular, Applicants assert that the nature of the problem in Rignell and Wang and the nature of the problem in Labban are disparate. Rignell and Wang address systems and methods for routing *placed* calls to a callee. Labban discloses systems and methods for *placing* calls, not routing them. Therefore, Applicants respectfully assert that for Labban to be combined with Rignell or Wang, it would be necessary for Rignell or Wang to allow a broad definition for the term "calls" that would allow it to be expanded to the definition in Labban.

However, neither Rignell nor Wang disclose any use or reference to any type of "calls" that would include text messaging services, as asserted in the Office Action. Applicants respectfully assert that the term "calls" in the cited references cannot be read in a vacuum in order to apply the term to multiple types of communication in mobile handsets. Rather, any term disclosed in a publication must be read in terms of the disclosure in which is included or within the meaning of the word as known to those of ordinary skill in the art.

Applicants respectfully assert that "call," as known to one of ordinary skill in the art, consists of a telecommunications connection being established between two communications terminals during one-way or two-way communications, in which the active communications link must be maintained between the two devices. For example, voice calls require an active communications link in order not to disrupt the conversation. Similarly, fax calls require the link between a source and destination to remain active for the entire transmission to be sent. In contrast, text messaging services for mobile devices, using SMS or MMS messaging, do not require an active link between the source and destination terminals. Rather the source device sends the message to a messaging server, which relays the message to the destination device. However, in such messaging servers, an active link between the source device and the destination device is not necessary, as the messaging server is configured to establish a separate communications link to the destination device to deliver the message.

Secondly, in view of the disclosure of Rignell and Wang, Applicants respectfully assert that all references to “calls” included in Rignell and Wang are specifically limited to the processing, connection, and diversion of *voice-based* calls. Although Applicants acknowledge that an inventor may be his own lexicographer and a term, such as “calls,” could be defined to allow an expansion in view of other references, nowhere does Rignell or Wang refer to processing of any other type of communication, such as text messaging processing or diversion in their disclosures. Wang only discloses providing a text message to the user (see FIG. 7b, FIG. 10, and associated text), but does not disclose that the call made would be a text message, but simply that it would be only a voice call. Furthermore, the Office Action acknowledges that neither Rignell nor Wang discloses text messaging as a “call” on page 23.

Therefore, even though Labban discloses text messaging, such a reference cannot be combined with Wang or Rignell to result in the claimed invention. Applicants respectfully submit that although Labban discloses the ability of making different types of communications connection, because the disclosures of Wang and Rignell are limited to the handling of voice calls only, such a method cannot be extended to other types of calls, as one of ordinary skill in the art would know that processing and disposing of text messages would be handled in a completely different manner than voice calls.

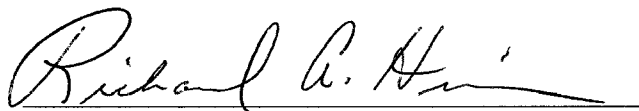
Accordingly, not Rignell, Wang, or Labban, alone or in combination, discloses or suggests every feature recited in amended independent Claims 1, 4, 8, 9, 12, and 16. Applicants, therefore, respectfully submit that independent Claims 1, 4, 8, 9, 12, and 16, as amended, define over the prior art. Applicants further respectfully maintain that whereas each of the remaining dependent claims depends from one of the amended independent claims while reciting additional features, the dependent claims likewise define over the prior art.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: April 9, 2007



Gregory A. Nelson, Registration No. 30,577  
Richard A. Hinson, Registration No. 47,652  
Eduardo J. Quinones, Registration No. 58,575  
AKERMAN SENTERFITT  
Customer No. 40987  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000